

March 10, 2011

Mr. Ford called the workshop meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. He read the Sunshine Statement.

Members Present: Ms. McBride, Mr. Nace, Mrs. Corcoran, Mr. Ryland,  
Mr. Kastrud, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mr. Bischoff, Mr. Walchuk, Mr. Badenhausen, Mr. Taibi

Others Present: Atty. Jolanta Maziarz, Robert Clerico, Carl Hintz, Atty. Scott  
Carlson, Brian Plushanski, Marie Skelton

**Approval of Minutes:** Mr. Kirkpatrick made a motion to approve the minutes of the February 10, 2011 workshop. Regarding the Renewable Energy Ordinance, Mr. Nace questioned Mr. Hintz about State Law not defining gravel as impervious. Mr. Hintz said State Law leaves the interpretation up to the local Board, as relevant to solar facilities. Ms. McBride asked that the record reflect that her comments had been given in written form. Mr. Ryland seconded the motion, with changes.

Vote: Ayes: Mr. Kirkpatrick, Mr. Ryland, Mr. Nace, Mrs. Corcoran, Mr. Ford

**Memorialization of Resolution: Pilot Travel Centers LLC: Block 11, Lot 24.03, 68 Route 173 West:** Atty. Scott Carlson was present on behalf of applicant. Mr. Carlson had a few comments. Mr. Kirkpatrick made a motion to approve the Resolution, with a change to Item 4, p. 2. Mrs. Corcoran seconded the motion.

Vote: Ayes: Mr. Kirkpatrick, Mrs. Corcoran, Mr. Nace, Mr. Ryland, Mr. Ford

**Issue of Completeness:**

**Fallone Properties LLC: Block 22, Lot 34, Perryville Road:** Mr. Clerico had submitted a review letter dated March 9, 2011 recommending that the application be deemed incomplete. Mr. Kastrud made a motion to deem the application incomplete. Mr. Kirkpatrick seconded the motion.

Vote: Ayes: Mr. Kastrud, Mr. Kirkpatrick, Ms. McBride, Mr. Nace, Mr. Ryland  
Mr. Ford

Abstain: Mrs. Corcoran

**2. Plushanski: Perryville Centre LLC: Block 12, Lot 9, 78 Route 173 West**

Mr. Clerico gave an overview of the application. The site had received Preliminary Site Plan approval in 1989. Mr. Plushanski said roads and curbs had been constructed prior to his purchase of the property in 2003. He had received building permits to construct the building, as well as Certificates of Occupancy from the Construction office. Mr. Plushanski had submitted plans in 2003, 2008 and 2010. Apparently the Board had not taken formal action on any of those plans.

**Plushanski:** Mr. Kirkpatrick made a motion to deem the application incomplete, without prejudice. Mr. Nace seconded the motion.

Vote: Ayes: Mr. Kirkpatrick, Mr. Nace, Ms. McBride, Mrs. Corcoran, Mr. Ryland,  
Mr. Kastrud, Mr. Ford

**Skelton: Sanctuary: Block 27, Lot 3.06, 1 Asher Smith Road: Barn**

Marie Skelton said she would like to construct a barn for a horse and also to store farm equipment. Ms. Skelton had been referred to the Board by the Zoning Official. Atty. Anderson said the Sanctuary Subdivision is unusual and has very complicated easement restrictions. Each of the twelve lots is divided into two parts (1.5 acres for residential use and 6.8 acres for agricultural use). Mr. Anderson said any farm buildings constructed would be related to the production of field crops. He does not believe the Planning Board could grant relief from any requirements imposed by the easements. It would be the domain of the Township Committee. Mr. Kirkpatrick told Ms. Skelton if she builds a barn in the 1.5-acre building envelope it does not matter what it is used for; however, if it is built in the agricultural area it has to be related to agriculture. Ms. Skelton was told the Committee would be meeting on March 16, 2011 and she should bring some photos of the proposed barn with her.

**Renewable Energy Ordinance:** Mr. Ford said Mr. Hintz had prepared a revised draft Ordinance that reflected comments from Board members. Mr. Kirkpatrick said the Board would forward the Ordinance to the Township Committee for their review and make any changes they deem appropriate. The Ordinance would be returned to the Board after the First Reading even if the Committee made no changes. Mr. Ford mentioned the February 16, 2011 Mayors Advisory that referenced development of solar and wind facilities on resource extraction operations and landfills. Mr. Ford said in Union Township that would mean quarry. He asked Mr. Hintz if the Board should make any adjustments to the draft Ordinance to reflect State Law. Mr. Hintz said State Legislation provides for renewable energy facilities to be located on industrial tracts. The Township does not have an industrial area. The draft Ordinance permits renewable energy facilities in the Quarry District. Mr. Kirkpatrick asked Mr. Hintz to prepare a summary letter to be included with the Draft Ordinance that will be forwarded to the Committee. The letter should state where the facilities were permitted or not permitted and under what circumstances the Board would consider them to be impervious surfaces. Glint and glare should also be addressed. Mr. Kastrud asked if the many details in the Ordinance would require any changes to the Master Plan. Atty. Anderson said the Board is required to make a decision whether the Ordinance is consistent with the Master Plan. Mr. Hintz said he had comments from Mr. Clerico's office. They will be included in the Ordinance to be forwarded to the Committee.

Mr. Kirkpatrick made a motion to forward the Ordinance to the Township Committee, with the comments from Mr. Clerico. Mrs. Corcoran seconded the motion.

Vote: Ayes: Mr. Kirkpatrick, Mrs. Corcoran, Ms. McBride, Mr. Nace, Mr. Ryland,  
Mr. Kastrud, Mr. Ford

**New Item: Pattenburg Quarry:** Mr. Hintz briefly updated the Board about a meeting of the Bethlehem Township Planning Board regarding the Pattenburg Quarry. He will forward copies of the minutes of that meeting to the Board when he receives them. Mr. Hintz said he and members of the Bethlehem Board are holding a site walk of the Quarry on Saturday March 19, 2011. He indicated there would not be a quorum of the Board. Mr. Hintz invited Union Township Board members to join the walk. Mr. Kirkpatrick said he understands the Quarry wants to bring in clean fill to reclaim the site. He does not believe they have plans to develop the site. Mr. Hintz said they also want to store construction equipment. Mr. Ford said that he, Mr. Clerico, Mr. Bischoff and Ms. McBride had toured the site a few weeks ago. The only entrance to the site is in Union Township. Mr. Ford said about 250,000 yards of fill had been brought to the site. Old buildings are being torn down. He mentioned barriers at the site have been used to control runoff. Atty. Anderson addressed the matter of a quorum. He said it was alright to have more than a quorum, as long as members did not discuss the matter.

**Time of Decision:** Mr. Ford said he and Ms. McBride had attended a meeting at the Hunterdon County Planning Board regarding the Time of Application Law that becomes effective May 5, 2011. The Law pertains to changes in zoning after an application has been submitted. Mr. Ford said there was a discussion about when an application is considered submitted and did every document have to be submitted. Mr. Ford referenced the E.I.S. He said if a Board requires an E.I.S. and it is in the Ordinance, the application is not considered submitted until that information is provided. Mr. Kirkpatrick said the E.I.S. requirement is in the Ordinance and it has minimum standards. Mr. Ford asked if there were other Checklist items that would be similar. Mr. Kirkpatrick said the Checklist is part of the Ordinance. Atty. Anderson said he believes there will be considerable litigation before there is clarity about the date of submission.

**Correspondence: Bonnell Properties LLC: Block 24.01, Lot 1 – Feb 18, 2011 ltr to NJDEP Land Use Regulation Permit -** For Board's Information

Mr. Ford mentioned a Press Release from the Hunterdon County Planning Board announcing Planning & Designing Awards Finalists: The Douglas Farm and the Union Township Green Plan are listed. Ms. McBride was congratulated for her work on those projects.

**Comments from the Public/Other Discussion:** None

Mr. Ford asked for a motion to go into Executive Session to discuss potential litigation. Mr. Ford made the motion. Mr. Kirkpatrick seconded the motion. (8:30 p.m.)  
Vote: All Ayes, No Nays, Motion Carried

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A Resolution providing for a meeting Not Open to the Public in Accordance with the revisions of the N.J.S.A. 10:A-4-12.

WHEREAS, the Planning Board of the Township of Union is subject to the Open Public Meetings Act, N.J.S.A.10: A-4-6, et Seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:A-4-12, provides that an Executive Session, not open to the Public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Planning Board of the Township of Union, assembled in public session on March 10, 2011, in the Union Township Municipal Building, 140 Perryville Road, Hampton, NJ 08827, for the discussion of matters relating to the specific items designated above.

It is anticipated the deliberations conducted in closed session may be disclosed to the public upon determination by the Planning Board that the public interest will no longer be served by such confidentiality.

The Executive Session ended at 8:55 p.m.

Mrs. Corcoran made a motion to return to the regular session. Mr. Kirkpatrick seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

**Motion to Adjourn:** Mrs. Corcoran made a motion to adjourn. Mr. Kirkpatrick seconded the motion. 8:56 p.m.

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary